

**REMARKS**

Claims 1-3 and 10-18 are pending in this application. By this Amendment, claims 1, 10 and 11 are amended, and claims 4-9 are canceled. Reconsideration of the present application based on the above amendments and the following remarks is respectfully requested. Support for these amendments may be found, e.g., in Examples 1 to 6 and paragraph [0042] of the specification.

**I. The Drawings Satisfy All Formal Requirements**

The attached formal drawings replace the original sheets with Figs. 1-10. It is respectfully requested that the Examiner indicate acceptance of the attached formal drawings in the next Office Action.

**II. The Claims Satisfy All Formal Requirements**

The Office Action objects to claim 11 because "ration" should be spelled as "ratio;" and rejects claims 10 and 11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action asserts that claim 10 is indefinite because it recites the same features of claim 1; and with regard to claim 11, the feature "characterized in that the sol is produced according to the steps: a first step of reacting . . ." is indefinite because it is unclear whether the claim is directed to a sol or a method of making a sol.

With respect to the objection to claim 11, claim 11 has been amended to recite "ratio" in place of "ration." With respect to claim 10, original claim 10 included the additional feature of an "abrasive" containing a sol which was not recited in original claim 1. Moreover, amended claim 10 includes additional features such as, "an aqueous medium in a range of 0.1 to 50 wt%." The additional features of claim 10 impart a different scope on claim 10 when

compared to the scope of claim 1. As such, withdrawal of the rejection of claim 10, under §112, second paragraph, is respectfully requested.

Claim 11 has been amended to make it more clear that method is being claimed.

Accordingly, withdrawal of the objection and the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

### **III. The Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-3, 10-13 and 15-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,769,073 to Tastu; and claim 14 under 35 U.S.C. §103(a) as being unpatentable over Tastu. These rejections are respectfully traversed.

Tastu fails to disclose a sol in which particles are dispersed in a medium, wherein the particles have a particle size of 50 to 150 nm and comprise an additional component contained in molar ratio of 0.005 to 0.15, as claimed in claim 1, and similarly claimed in claims 10 and 11.

Instead, Tastu discloses a concentration of a cerium salt solution of from 0.5 to 2 moles per liter (col. 3, lines 28-30); a concentration of a salt or salts of a rare earth from 0.2 to 1 mole per liter (col. 4, lines 30-33); and a mean particle diameter of  $1.5 \pm 1 \mu\text{m}$  (col. 12, line 30).

In claims 1, 10 and 11, on the other hand, the particles have a particle size of 50 to 150 nm (0.050 to 0.150  $\mu\text{m}$ ) and a molar ratio of 0.005 to 0.15.

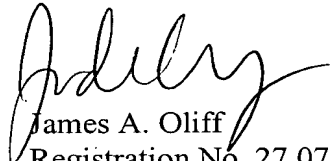
Thus, it is respectfully submitted that Tastu fails to disclose all of the features of claims 1, 10 or 11. As such, for at least the reasons discussed above, it is respectfully submitted that claims 1, 10 and 11 are distinguishable over the applied art. Furthermore, those claims which depend from claims 1 and 10 are likewise distinguishable over the applied art for at least the reasons discussed above, as well as for additional features they recite. Accordingly, withdrawal of the rejections is respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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Attachments:  
Formal Drawings (Figs. 1-10)

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**Amendments to the Drawings:**

The attached formal drawings replace the original sheets including Figs. 1-10.

Attachment: Replacement Sheets